

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 18-CV-2540 (FB) (ST)

ROBERT REYNOLDS, individually and
d/b/a Platinum 181; and STUDIO 181
CORP., an unknown business entity d/b/a
Platinum 181,

Defendants.

-----X
BLOCK, Senior District Judge:

Magistrate Judge Tiscione issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered in favor of plaintiff and against defendant Studio 181 in the amount of \$9,000.¹ It further recommends that plaintiff be directed to file a motion for attorneys’ fees and costs within thirty days of the entry of judgment.

The R&R advised that objections were due within fourteen days of service and warned that “[f]ailure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.” R&R 11. The R&R was served on Studio 181 at its designated address on January 15, 2019, making objections due January 29, 2019.

To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts it without de novo review. The Clerk shall enter judgment accordingly. If plaintiff wishes to file a motion for attorneys’ fees and costs, it must do so within thirty days of the entry of judgment.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 21, 2019

¹ Plaintiff was unable to effect service on defendant Robert Reynolds.